

ASSEMBLY BILL

No. 1972

Introduced by Assembly Member DeSaulnier

February 14, 2008

An act to amend Sections 42356, 42357, and 42359.5 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1972, as introduced, DeSaulnier. Solid waste: plastic containers.

Existing law prohibits a person from selling a plastic bag that is labeled as “compostable,” “biodegradable,” “degradable,” or as otherwise specified unless, at the time of sale the bag meets a current American Society for Testing and Materials (ASTM) standard specification for the term used on the label.

This bill would change this exemption to the prohibition to require the bag to meet ASTM Standard Specification for Compostable Plastics D6400.

Existing law prohibits a person from selling a plastic food or beverage container that is labeled as “biodegradable,” “compostable,” “degradable,” or as otherwise specified, unless, at the time of sale, the container meets the ASTM Standard Specification for Compostable Plastics (D6400-04).

This bill would expand the exemption to the prohibition to include containers that meet the ASTM Standard Specification for Biodegradable Plastics Used as Coatings on Paper and Other Compostable Substrates (D6868). The bill would also change the reference to ASTM standard (D6400-04) to (D6400) so as to incorporate any revisions to that standard.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42356 of the Public Resources Code is
2 amended to read:
3 42356. For purposes of this chapter, the following definitions
4 apply:
5 (a) “ASTM” means the American Society for Testing and
6 Materials.
7 (b) “ASTM standard specification” means ~~a definition found~~
8 ~~in the Style and Form Guide for ASTM Standards~~ *ASTM Standard*
9 *Specification for Compostable Plastics D6400* and does not include
10 an ASTM Standard Guide, a Standard Practice, or a Standard Test
11 Method.
12 (c) “Manufacturer” means a person, firm, association,
13 partnership, or corporation that produces a plastic bag.
14 (d) “Supplier” means a person who does one or more of the
15 following:
16 (1) Sells, offers for sale, or offers for promotional purposes, a
17 plastic bag that is used by a person to contain a product.
18 (2) Takes title to a plastic bag produced either domestically or
19 in a foreign country, that is purchased for resale or promotional
20 purposes.
21 SEC. 2. Section 42357 of the Public Resources Code is
22 amended to read:
23 42357. (a) A person shall not sell a plastic bag in this state
24 that is labeled with the term “compostable,” “biodegradable,”
25 “degradable,” or any form of those terms, or in anyway imply that
26 the bag will break down in a landfill, composting, marine, or other
27 natural terrestrial environment, unless, at the time of the sale, the
28 plastic bag meets ~~a current ASTM standard specification for the~~
29 ~~term used on the label~~ *ASTM Standard Specification for*
30 *Compostable Plastics D6400*.
31 (b) A manufacturer or supplier, upon the request of a member
32 of the public, shall submit to that member, within 90 days of the
33 request, information and documentation demonstrating compliance
34 with this chapter, in a format that is easy to understand and
35 scientifically accurate.

SEC. 3. Section 42359.5 of the Public Resources Code is amended to read:

42359.5. For purposes of this chapter, the following definitions apply:

(a) “ASTM” means the American Society for Testing and Materials.

(b) “ASTM standard specification” means ASTM Standard Specification for Compostable Plastics ~~(D6400-04)~~ *D6400 and ASTM Standard Specification for Biodegradable Plastics Used as Coatings on Paper and Other Compostable Substrates D6868*.

(c) “Plastic food or beverage container” means plastic packaging for a finished product that contains food or drink items, or utensils, for retail sale.

(d) “Manufacturer” means a person, firm, association, partnership, or corporation that produces a plastic food or beverage container.

(e) “Supplier” means a person who does one or more of the following:

(1) Sells, offers for sale, or offers for promotional purposes, a plastic food or beverage container that is used by a person to contain a product.

(2) Takes title to a plastic food or beverage container produced either domestically or in a foreign country, that is purchased for resale or promotional purposes.